

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

<b>IN THE MATTER OF THE COMPLAINT FILED</b>	)	<b>ORDER DISMISSING</b>
<b>BY SHARON AND ROBERT HERRICK,</b>	)	<b>COMPLAINT AND CLOSING</b>
<b>EMERY, SOUTH DAKOTA, AGAINST SPRINT</b>	)	<b>DOCKET</b>
<b>COMMUNICATIONS COMPANY, L.P.</b>	)	
<b>REGARDING UNAUTHORIZED SWITCHING OF</b>	)	<b>CT02-035</b>
<b>SERVICES</b>	)	

On September 3, 2002, the Public Utilities Commission (Commission) received a complaint filed by Sharon and Robert Herrick, Emery, South Dakota (Complainant), against Sprint Communications Company, L.P. (Sprint) regarding unauthorized switching of services.

On September 3, 2002, the complaint was faxed to Sprint. Pursuant to ARSD 20:10:01:09, Sprint was notified that it must satisfy the complaint or file an answer in writing with the Commission by September 23, 2002. On September 20, 2002, the Commission received an Answer from Sprint. On September 26, 2002, the Commission received a Motion To Dismiss from Sprint. At its regularly scheduled meeting of October 17, 2002, the Commission denied Sprint's Motion to Dismiss. On January 6, 2003, Commission Staff received a letter from Complainants requesting that their complaint be dismissed.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL Chapters 1-26, 49-13, including 49-13-1 through 49-13-14, inclusive, and SDCL Chapter 49-31, including 49-31-3, 49-31-7, 49-31-7.1, 49-31-7.2, 49-31-7.3, 49-31-7.4, 49-31-10, 49-31-11, 49-31-38, 49-31-38.1, 49-31-38.2, 49-31-38.3, 49-31-89 through 49-31-97, inclusive, and ARSD Chapters 20:10:01 and 20:10:34.

On January 16, 2003, at a regularly scheduled meeting, the Commission considered this matter. Upon recommendation of Commission Staff, the Commission voted to dismiss the complaint and close the docket. It is therefore

ORDERED, that the complaint shall be dismissed and the docket closed.

Dated at Pierre, South Dakota, this 28th day of January, 2003.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: \_\_\_\_\_

Date: \_\_\_\_\_

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

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ROBERT K. SAHR, Chairman

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GARY HANSON, Commissioner

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JAMES A. BURG, Commissioner